

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
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Plaintiff,)
)
)
vs.) No. CR-09-189-D
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)
KEITH ALLEN HENDRIX,)
)
)
Defendant.)

ORDER

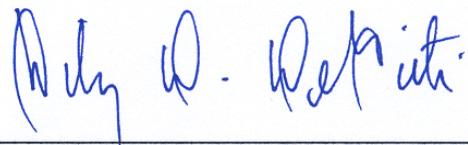
Before the Court are the Defendant's Motion to Withdraw Guilty Plea [Doc. No. 45] and the Motion to Withdraw as Attorney of Record [Doc. No. 47] filed by Defendant's counsel. The government timely responded to the Motion to Withdraw Guilty Plea and, on January 26, 2010, the Court conducted a hearing on both motions.

As explained in detail during the hearing on the Motion to Withdraw Guilty Plea, the Court analyzed the motion according to the seven factors which must be considered when exercising its discretion to determine whether a motion to withdraw a guilty plea should be granted. Pursuant to *United States v. Garcia*, 577 F. 3d 1271, 1273-74 (10th Cir. 2009), the Court examined each of those factors during the hearing and explained the application of each factor to this case. Having weighed those factors and having considered the parties' arguments, the Court granted the Motion to Withdraw Guilty Plea [Doc. No. 45] for the reasons explained at the hearing.

Counsel for Defendant then stated that, in light of the ruling, he would not pursue the motion to withdraw as attorney of record. The Court then asked Defendant if he has reason to request that counsel withdraw. Defendant expressly stated that he does not want to request new counsel, and he is satisfied with the representation provided by current counsel. Accordingly, the Motion to Withdraw as Attorney of Record [Doc. No. 47] is withdrawn.

As announced at the hearing, this case will be set for a jury trial on the Court's next available docket; the parties will be advised of the trial setting.

IT IS SO ORDERED this 27th day of January, 2010.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE